IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R. No. 4075 of 2006

Date of Decision 14.9.2006

Mukhtiar Singh

...Petitioner

Versus

Major Singh & Ors.

..Respondents

Coram: Hon'ble Mr. Justice Ajay Kumar Mittal

Present: Mr. B.S.Bhalla, Advocate,
for the petitioner.

Mr. M.K.Garg, Advocate,
for respondents No. 1,2,8 and 9.

AJAY KUMAR MITTAL, J. (Oral)

In this revision petition filed under Article 227 of the Constitution of India, the petitioner has challenged the order dated 7.6.2006 passed by Civil Judge (Jr. Division), Moga, whereby an application filed by the petitioner for amendment of plaint under Order 6 Rule 17 of C.P.C. has been dismissed.

Learned counsel for the plaintiff-petitioner submitted that an application for amendment of plaint was filed, wherein the plaintiff sought khasra no. 253/1 to be incorporated by way of amendment instead of khasra no. 553/1 because the suit was filed on the basis of Jamabandi Annexure P/2 wherein the khasra no. 553/1 was mentioned. However at the time of recording of evidence, it transpired that the correct khasra no. is 253/1 as per Jamabandi, Annexure P-3. According to the learned counsel, the mistake was genuine and unintentional. Learned counsel for the petitioner further submitted that in the interest of justice and for the just decision of the case, the mistake be allowed to be corrected.

On the other hand, learned counsel for the respondents supported the order passed by the trial Court.

I have heard learned counsel for the parties and perused the record.

The only amendment sought by the plaintiff-petitioner is that in the plaint instead of khasra no. 553/1, the correct khasra no. 253/1 be substituted. Perusal of annexures P/2 and P/3 filed along with the revision petition supports the case of the petitioner.

In view of the above, in the interest of justice and for the just decision of the case, Civil Revision deserves to be allowed. Accordingly, the impugned order dated 7.6.2006 is set aside and the application for amendment is allowed and instead of khasra no. 553/1, khasra no. 253/1 shall be incorporated.

The revision petition is disposed of.

(Ajay Kumar Mittal)
Judge

September 14, 2006
pj